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A#4
Page 1 of 3

Serial Number: 000959

DIVISIONAL CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/534,432	PRIOR APPLICATION FILING DATE: MARCH 23, 2000
TMI-032CN2	CLASS:	SUBCLASS:	EXAMINER:	ART UNIT: 1643

COMMISSIONER FOR PATENTS
 BOX PATENT APPLICATION
 WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: December 22, 2000

Mailing Label Number: EL 589 739 496 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor

Name of Person Mailing Paper

Larry Taylor
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application no. 09/534,432 filed on March 23, 2000, of Michael J. Lane, Albert S. Benight and Brian D. Faldasz entitled Methods and Compositions for Modulating "Marginally Indiscriminant" Hybridizations, which is a continuation of application no. 09/366,085, filed on August 3, 1999, claiming priority under U.S.C. 119(e) to U.S. provisional application no. 60/095,313 filed August 4, 1998.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

☒ 22 page(s) of specification

☒ 12 page(s) of claims

☒ 1 page(s) of abstract

☒ 10 sheet(s) of drawing

☒ 6 page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/534,432 as originally filed on March 23, 2000.

2. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 1	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY

RATE	FEE
x 9 =	\$ 0.00
x 39 =	\$ 0.00
+130 =	\$ 0.00
BASIC FEE	\$345.00
TOTAL	\$345.00

OTHER THAN A SMALL ENTITY

RATE	FEE
x 18 =	\$ 0.00
x 78 =	\$ 0.00
+ 260 =	\$ 0.00
BASIC FEE	\$ 0.00
TOTAL	\$ 0.00

OR

OR

12/22/00
 1c970 U.S. PTO

09/534,432

09/22/00
 1c970 U.S. PTO

4. ☐ The Commissioner is authorized to charge any additional fees which may be required in connection with this communication, or to refund any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ **THE FILING FEE IS NOT PAID AT THIS TIME.**
6. ☒ Cancel in this application original claims 2-46 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
-
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a continuation of U.S. Patent Application No. 09/534,432, filed on March 23, 2000, which is a continuation of U.S. Patent Application No. 09/366,085 filed on August 3, 1999. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
-
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☒ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
 - ☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to Tm Technologies, Inc.
13. ☒ A 5 month extension of time has been submitted in the parent application No. 09/534,432 in order to establish copendency with the present application. A copy of the request for extension of time and payment of the retention fee under Rule 21(l) are enclosed.
14. ☐ Also enclosed is/are copy of extension of time filed in the prior application; copy of payment of retention fee.
15. ☐ The power of attorney in the prior application is to _____.
- a. ☐ The power appears in the original papers in the prior application.
 - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☐ A new power has been executed and is attached.
16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DeConti, Jr. at **Customer Number: 000959** whose address is:
- Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109
17. ☐ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

003327-467-24250

- ☒ attorney or agent of record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Lane, M. J., et al.

Application No.: 09/534,432

Filed: March 23, 2000

For: METHODS AND COMPOSITIONS FOR
MODULATING "Marginally
Indiscriminant" Hybridizations

Attorney Docket No.: TMI-032CN

Group Art Unit: 1643

Examiner:

jc715 U.S. PTO
09/747164
12/22/00

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR FIVE MONTH EXTENSION OF TIME

Dear Sir:

Applicants request a five month extension of time pursuant to 37 CFR §1.136(a) in which to respond to the Notice to File Missing Parts of Application dated May 25, 2000. This extension is being filed in order to maintain pendency for filing a continuation application.

Enclosed is a check which covers the appropriate fee of \$945.00 based on small entity status. Please charge any underpayments or credit any overpayments to our Deposit Account No. 12-0080. A duplicate of this sheet is enclosed.

Certificate of First Class Mailing (37 CFR 1.8(a))

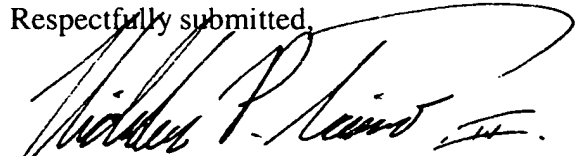
I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: **Commissioner for Patents, Washington, DC 20231** on:

December 22, 2000

Date

Nicholas P. Triano, III, Reg. No. 36,397

Respectfully submitted,


Nicholas P. Triano, III
Reg. No. 36,397
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
(617) 227-7400

jc715 U.S. PTO
09/747164
12/22/00

Group Art Unit: 1643

Application No.: 09/534,432

Examiner:

Filed: March 23, 2000

For: METHODS AND COMPOSITIONS FOR
MODULATING "MARGINALLY
INDISCRIMINANT" HYBRIDIZATIONS

Attorney Docket No.: TMI-032CN

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

PAYMENT OF RETENTION FEE

Dear Sir:

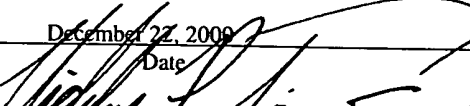
Responsive to the Notice to File Missing Parts of Application dated May 25, 2000, Applicant's attorney submits herewith a check in the amount of \$130.00 for payment of the processing and retention fee as set forth in 37 CFR 1.21(l). A copy of Form PTO-1533 is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Certificate of First Class Mailing (37 CFR 1.8(a))

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December 22, 2009
Date


Nicholas P. Triano, III, Reg. No. 36,397

Respectfully submitted,

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